

REMARKS/ARGUMENTS

Claims 1-50 remain in the application for further prosecution. Claims 1, 15, 29, and 38 (which are the only independent claims) have been currently amended.

§ 112 Rejections

Claims 7, 20, 43

Claims 7, 20, 43 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the claims have been rejected because the Applicant's specification allegedly fails to teach "how a patron easily remembers the identifying information." Each of the claims is directed to "identifying information unique to the patron and easily remembered by the patron."

The claims are not directed to "how" the patron easily remembers the identifying information, but to "identifying information" that is "easily remembered by the patron." In other words, the term "identifying" is used as an adjective (to modify the term "information") not as a verb. The specification describes that the identifying information may include any information that is easily remembered, such as (for example) "two pieces of information selected from the patron's height, shoe size, or hat size, the last 4 digits of the patrons home phone number, the last 4 digits of the patron's social security number, a numeric address, the patron's first name, last name, middle name or a combination thereof, the name of a pet owned by the patron, the patron's mother's maiden name, city of birth, favorite color, lucky number, a wedding date, etc." Specification, ¶¶ 0036-0037. Thus, the specification has described at least 15 examples of the type of information that is "easily remembered by the patron."

Based on the vast number of examples related to information that is easily remembered by a patron, the Applicants respectfully submit that claims 7, 20, 43 are in compliance with the enablement requirement.

Claims 10, 24, 47

Claims 10, 24, and 47 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the claims have been rejected because the Applicant's specification allegedly fails to teach "a microchip embedded in the patron."

A brief review of the specification shows that it discloses “embedded human identification microchips,” such as an “implanted microchip [that is] implanted in [a] patron’s arm[,] for example.” Specification, ¶¶ 22, 30 (emphasis added). Accordingly, the Applicants respectfully submit that claims 10, 24, and 47 are in compliance with the enablement requirement.

Claims 1, 15, and 29

Claims 1, 15, and 29 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, claim 1 has been rejected for two reasons: a) for allegedly failing to provide antecedent basis for the term “the patron” in line 3, and b) for allegedly being incomplete for omitting essential steps.

A. The claim has been amended to comply with the Examiner’s antecedent basis request.

B. The office action cites to MPEP § 2172.01 for support, alleging that the “claim limitations are too vague to understand the claimed invention.” The Applicants respectfully submit that the claim is not indefinite.

The cited MPEP section states that “[s]uch essential matter may include missing elements, steps or necessary structural cooperative relationships of elements described by the applicant(s) as necessary to practice the invention.” (emphasis added). The office action does not allege that the claims failed to include elements that are described in the specification as necessary to practice the invention. Instead, the office action alleges that the claim is “too vague.”

For example, the office action alleges that the claim does not specify “what the patron identification is (*i.e.*, a badge, an account number).” The Applicants described in the specification that the “player/patron identification information” can be, for example, a “player tracking number, player name, address, etc.” Specification, ¶ 0004. The Applicants did not specify in the specification, for example, that it is necessary for purposes of practicing the invention to have a “player name” as the “patron identification.” If that was the case (which it is not), the Applicants would have had to include the “player name” in the claims (in accordance with MPEP § 2172.01). Instead, in accordance with MPEP § 2172.01, the Applicants included a term that provides sufficient description to understand the claimed invention. The specification provides sufficient guidance to allow one of ordinary skill in the art the meaning of the term “player identification.” *See, e.g.*, MPEP § 2173.02 (stating that “[d]efiniteness of claim language

must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure”). To further narrow the term “patron identification” to a term such as “player name” would force the Applicants to unfairly and improperly limit the claims.

Similarly, the Applicants respectfully submit that the other terms referred to in the rejection, *e.g.*, associating, establishing, comparing, receiving, enabling, are sufficiently described in the specification to allow one of ordinary skill in the art to understand the invention. For example, the office action apparently alleges that the term “associating” is vague because it is unclear who is performing the associating, *e.g.*, “a casino representative, a computer, a gaming machine, a server.” The specification describes, for example, that “associating the unique patron identification and establishing the patron account may be initiated by the patron inserting a universal personal identifier card such as a credit card in a suitable card reader of the gaming machine” and a “server coupled to the gaming machine may then associate the unique patron identification with the patron and establish the patron account.” Specification, ¶ 0017. In this example, the server is what associates the patron identification to the patron. However, as explained above, the Applicants respectfully submit that further narrowing the claims, for example, to “associating via a server” would be an unfair and improper requirement.

For the reasons stated above, the Applicants respectfully submit that claim 1 is in compliance with the requirements of § 112, second paragraph. Further claims 15 and 29, which were rejected in the “same manner” as claim 1, are also in compliance with the requirements of § 112, second paragraph.

§ 102 Rejections

Claims 1-7, 9-12, 14-21, 23-26, 28-29, 31-34, 36-44, and 46-50 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,908,387 to Hedrick *et al.* (“Hedrick”). Specifically, regarding claims 1, 15, 29, and 38, the office action alleges that a player tracking device disclosed by Hedrick is a “universal personal identifier device.”

Hedrick discloses a casino-issued player tracking device, which is a player-identifier device that is plagued with the very type of problems that the current invention is intended to solve. Hedrick is directed to casino-specific player tracking cards:

Most casinos utilize only one type of player tracking system (i.e. from one manufacturer) while the type of player tracking system varies from casino to casino.

Hedrick, col. 2, ll. 4-7. Hedrick further clarifies that the player tracking card is the type commonly issued for a player tracking program:

For current player tracking programs, the most common approach for providing identification information is to issue a magnetic-striped card storing the necessary identification information to each player that wishes to participate in a given player tracking program.

Hedrick, col. 3, ll. 16-21. Hedrick fails to disclose a universal personal identifier device as claimed in the current application. For example, Hedrick fails to disclose that the player tracking card can be a non-casino issue card, such as a credit card or a driver's license. In another example, Hedrick fails to disclose that a portable wireless device carried by the player can be the player's personal mobile phone. In other words, Hedrick's "portable wireless device" is a device that is specific to and/or issued by the particular casino.

In contrast, the current application is directed to providing a solution in which the player can use a tangible object that is not primarily associated with a game venue (*e.g.*, a game venue such as a casino). As one example, the player's "universal personal identifier" in the pending claims can be a credit card. Thus, one advantage described in the current application is that the player can use the tangible object, *e.g.*, a credit card primarily associated with a specific bank, for player identification purposes.

To further clarify the claimed invention, the independent claims have been generally amended to show that the universal personal identifier is a "tangible object" whose primary purpose is not for use at a gaming machine, *e.g.*, to identify the player at the gaming machine. For example, claims 1 and 15 have been amended to include "providing a universal personal identifier in a form of a tangible object whose primary purpose is not directed to identifying the patron at a game venue." Claim 29 has been amended to include "providing a Bluetooth™ portable device having a primary purpose that is different than for identifying the patron at a gaming machine in a server-based gaming network, the Bluetooth™ portable device having functions that are not primarily associated with a game venue." Claim 38 has been amended to show that "the universal personal identifier [is] in a form of a tangible object whose primary purpose is not directed to identifying the patron at a game venue." The player tracking cards disclosed in Hedrick are directed only to identifying the player at the gaming machine and are

apparently virtually useless at any non-game venue (e.g., a banking system, a state identification system, etc.).

Thus, the Applicants respectfully submit that the pending claims are not anticipated by Hedrick at least for the above stated applicable reasons.

§ 103 Rejections

Claims 8, 13, 22, 27, 30, 35, 45, and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrick. Note that although the office action refers to claim "60" as being rejected, it is assumed that this was made the reference to claim "60" (which does not exist) was made in error and that the office action intended to refer to claim "50." The Applicants respectfully submit that claims 8, 13, 22, 27, 30, 35, 45, and 50 are not obvious over Hedrick at least for the above stated applicable reasons

Conclusion

It is the Applicants' belief that all the pending claims are now in condition for allowance, and thus reconsideration of this application is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

A check for \$120.00 is enclosed to cover the fee for a one-month extension of time. It is believed that no additional fee is presently due. However, should any additional fees be required, the Commissioner is authorized to deduct the fees (except for payment of the issue fee) from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247079-000248USPT.

Respectfully submitted,

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